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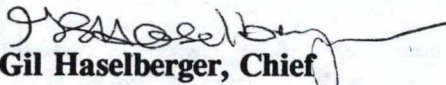
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Reply to the
Attention of M/S AT-083

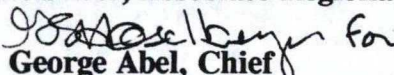
January 13, 1995

MEMORANDUM

**SUBJECT: TSCA Referral for Administrative Civil Penalty: S.J. Nudelman and Son,
Portland, Oregon**

FROM: 
Gil Haselberger, Chief
Toxic Substances Section

TO: Margaret B. Silver, Associate Regional Counsel

THRU:  for
George Abel, Chief
Pesticides and Toxic Substances Branch

On June 13, 1994, an EPA inspection was performed by Daniel D. Heister at facilities of S.J. Nudelman and Son, located at 2707 N.W. Nela Street, Portland, Oregon. The inspection was carried out to assess compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA).

The inspection resulted from a call Mr. Heister received from Oregon OSHA advising that there had been a small fire at the facility and that there had been electrical equipment at the site at the time of the fire. The inspection revealed a site consisting of approximately two and one half acres, much of which is overgrown with wild blackberries, and much of which is covered by debris consisting of fluorescent light ballasts, submersible pumps, miscellaneous electrical equipment, and much unidentifiable debris. As part of the inspection, Mr. Heister obtained five samples. The results of EPA analysis of those samples are as follow:

SAMPLE NUMBER	SAMPLE DESCRIPTION	ANALYTICAL RESULT
94244565	WIPE SAMPLE FROM WELL PUMP	18.9 $\mu\text{g/g}$ (micrograms per gram or parts per million (ppm)) Aroclor 1260
94244566	SOIL SAMPLE FROM INSIDE TRANSFORMER CARCASS	2400 $\mu\text{g/kg}$ (micrograms per kilograms or parts per billion, or 2.4 ppm Aroclor 1260
94244567	FOAM INSULATION FROM INSIDE TRANSFORMER CARCASS	18000 $\mu\text{g/kg}$ or 18 ppm Aroclor 1260
94244568	POTTING COMPOUND FROM RUPTURED FLUORESCENT LIGHT BALLAST	350 $\mu\text{g/kg}$ or 0.35 ppm Aroclor 1242 and 120 $\mu\text{g/kg}$ or 0.12 ppm Aroclor 1260 - TOTAL PCB: 0.47 ppm
94244569	POTTING COMPOUND FROM RUPTURED FLUORESCENT LIGHT BALLAST	96000 $\mu\text{g/kg}$ or 96 ppm Aroclor 1242

During the inspection, a violation of the regulations was documented. The violation and associated regulations and requirements are set forth below and in the attached proposed civil complaint.

REGULATION - DISPOSAL

40 C.F.R. § 761.60(d) provides that spills and other uncontrolled discharges of PCBs at concentrations of 50 ppm or greater constitute the disposal of PCBs. PCBs resulting from the cleanup and removal of spills, leaks, or other uncontrolled discharges, must be stored and disposed of in accordance with 40 C.F.R. § 761.60(a). Disposal of PCBs in any other manner constitutes the improper disposal of PCBs.

VIOLATION

EPA analysis of a wipe sample, Number 94244569, taken from potting compound from a ruptured fluorescent light ballast, detected 96 parts per million (ppm) PCB. The release of PCBs documented by this analysis constituted the improper disposal of PCBs.

Compliance History

8/4/88 EPA Region 10 TSCA PCB inspection
 11/4/88 Administrative Complaint issued. Violations: disposal, storage, marking, and records. Proposed Penalty: \$14,000.
 6/1/89 Consent Agreement and Final Order signed. Assessed Penalty: \$8,100

Request for Action

This assessment is being referred to you for consideration of enforcement action. An Administrative Civil Penalty appears to be in order because of the significance of the violation. Sanford J. Nudelman of S.J. Nudelman and Son was notified of the current violation by certified letter dated January 10, 1994. Following is a Civil Penalty Assessment for the documented violation of TSCA.

- 1. Violation - Improper Disposal of PCBs**
- 2. Level - One**
- 3. Extent - Minor**
- 4. Penalty - \$5,000**

No upward adjustment is recommended for the previous violation because the Consent Agreement and Final Order does not meet the PCB Penalty Policy definition of "Final Order."

The TSCA Case Reviewer assigned to this case is William M. Hedgebeth, 3-7369.

Attachment